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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,662	07/16/2003	Sung Ho Park	1701.01	9571

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EXAMINER

ALIMENTI, SUSAN C

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/620,662

**Applicant(s)**

PARK, SUNG HO

**Examiner**

Susan C. Alimenti

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 7, 11-13, and 15 is/are rejected.
- 7) ☒ Claim(s) 6, 8-10, 14 and 16-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 7, 11-12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Essex (US4,735,171) in view of Arentoft (US 4,922,857).

Essex discloses the claimed invention except the dispensing system is different. Essex's animal feeding device comprises a container or hopper 20 for holding animal feed, a circular pipe 26 attached below hopper 20, a dispenser 28 rotatably received in said pipe 26, a motor M, and dispensing spout 36. Essex utilizes a standard spiral auger system for dispensing the animal feed, however there are equivalent structures known in the art for performing the same function. Arentoft teaches an alternate automatic dispensing structure and system (Arentoft, Figures 3-6) comprising shaft 14 and two circular dispensing discs 18', 26' fixed to said shaft. Each of said discs comprises an arc recess, 20' and 28' respectively, said arc having a predetermined angle of about 90°, and are considered to be positioned "opposite with each other" (claim 1). Therefore, because these two feed dispensing systems were art recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to replace Essex's dispensing system with Arentoft's.

Regarding claim 2, the distance between dispensing discs 18' and 26' is considered to be about 1 1/2", however even if it were not, such a modification would only have involved a mere

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change in size of components. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Regarding claim 11, Essex's device (as best viewed in Figures 1 and 5) further comprises a power supply or plug 106 that supplies power to motor M, a timer 104, a switch 108 and display disposed on the outer wall of housing 12. Timer 104 can be set by the user to control operation time of the motor through quartz or other crystal digital display (Essex, col.3, lns.8-23).

3. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Essex in view of Arentoft, as applied to claims 1 and 12 above, and further in view of Hubert (DE 197 50 074 C1).

Essex, as modified by Arentoft, discloses the claimed invention except the shaft does not have a rectangular cross section. Hubert discloses a feed dispensing system that is very similar to Arentoft's system, however Hubert utilizes a rectangular shaft 7 (Hubert, Figure 1). Such a shape eliminates the need for adhering said shaft to certain elements in the system, and yet still effect rotation of the system controlled by said shaft. It would have been obvious to one having ordinary skill in the art to modify Arentoft's dispensing system by utilizing a rectangular shaft in order to establish a working connection between said shaft and certain parts of the system while eliminating the need for otherwise adhering said parts, i.e. with glue or by other means.

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***Allowable Subject Matter***

4. Claims 6, 8-10, 14 and 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments filed 09 December 2004 have been fully considered but they are not persuasive. The crux of applicant's arguments is that Arentoft does not anticipate the present invention because disks 18 and 26 are not "fixed" to the shaft 14, however the examiner respectfully disagrees. In order to properly examine this limitation one must turn to an accepted definition of "fixed" as defined by Merriam Webster's Collegiate Dictionary, 10<sup>th</sup> Ed. The verb form of the word "fix," as it appears to be used in claims 1 and 12, is "to make firm, stationary, or stable." Clearly discs 18 and 26 are stationary or stable on the shaft 14. If applicant intends to further define the fixed relationship between the discs and shaft, then the claims should reflect such a limitation. Therefore the examiner maintains that Arentoft discloses the discs and shaft in a fixed relationship.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan C. Alimenti whose telephone number is 703-306-0360 (on or after 4/4/05 (571)272-6897). The examiner can normally be reached on Monday-Friday, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703-305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SCA

  
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SUPERVISORY  
PRIMARY EXAMINER